

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

The Examiner rejected claims 27-34 under 35 U.S.C. § 112 as being indefinite. This rejection is traversed, particularly as to the amended claims. The Examiner stated that the phrase "wherein said plurality numbers no more than four" and the phrase "wherein two of said no more than four" renders the claims indefinite. Claim 28 has been amended to make it more definite. Those skilled in the art will readily recognize that amended claim 28 relates to the embodiment of the present invention wherein two of the conductors are shorted together, thus resulting in the two conductors representing only one electrically unique conductor. Because this claim is dependent upon claim 27, which is directed to the plurality of power delivery conductors being not more than four, the electrical shorting of the two conductors results in "said plurality of power delivery conductors consist[ing] of not more than three electrically unique power delivery conductors", as claimed by Applicants in claim 28. While Applicant's believe that the above amendment to claim 28 in light of these arguments thus negates the Examiner's § 112 rejection, if the Examiner disagrees, Applicant's respectfully request the Examiner provide a supplemental Office Action which more specifically states why the Examiner believes claims 27-34 are indefinite. The Examiner's rejection in the Office Action dated December 28, 2005, which stated that "[the claims] are indefinite, since what kind of plurality number no more than four for using any purpose or for hours or for reset number or for conductors . . . etc." did not adequately apprise Applicants as to why those claims were being rejected because the statement was not a complete sentence. Perhaps an error in computer editing occurred.

The Examiner rejected claims 1, 27-40, and 42-55 under 35 U.S.C. § 102(b) as being anticipated by Murphy et al. This rejection is traversed, particularly as to the amended claims. In the rejection, the Examiner asserted that Murphy et al. disclosed a apparatus which has a "programmable controller(microprocessor(1)) for programming exclusively through a plurality of the power delivery conductors (11 and 12) for programming exclusively through a plurality of the power delivery

conductors(11 and 12).” [sic] This is an incorrect assertion regarding the disclosure of Murphy et al. The Murphy et al. device is not programmable exclusively through a plurality of the power delivery conductors, as claimed by Applicants. Rather, Murphy et al. disclose that “[t]he microcomputer bus **80** is made available at connector **90**, so that the clock can be set prior to the time of delivery of the device to the customer, by means of circuitry not shown in Fig. 1 and not a part of the invention.” As such, the requirement of connector **90** to make microcomputer bus **80** available so that the clock can be programmed does not constitute an apparatus which is “programmable exclusively through a plurality of the power delivery conductors” (emphasis added), as claimed by Applicants. This is because connector **90** and microcomputer bus **80** are not the power delivery conductors, but are additional conductors.

With respect to independent claim 42 and claim 43-51, which depend thereon, claim 42 has been amended to recite “programming the controller exclusively by applying one or more signals to two or more of the power delivery conductors.” As stated previously, Murphy et al. require connector **90** to make microcomputer bus **80** available so that the clock of the device can be programmed before delivery to a customer.

Independent claim 52 recites “electrostatic discharge protection diodes internal to said programmable controller and excluding rectification elements of a DC power supply external to said controller.” (emphasis added). In rejecting Applicant’s independent claim 52, the Examiner stated that Murphy et al. described this feature of Applicant’s claimed invention. This assertion by the Examiner is incorrect, and is actually contrary to the written specification of Murphy et al. On Column 4, line 30 and line 39, as well as Fig. 2. At those locations in the specification, Murphy et al. specifically disclose rectifier diode **24**. As can clearly be seen in Fig. 2, rectifier diode **24** is external to the controller. Because Murphy et al. require the rectification element of a rectifier diode, this teaches away from Applicant’s claimed invention, which specifically claims that such an external rectifying element is excluded. Because Murphy et al. not only fail to disclose Applicant’s claimed invention, but actually teach away from Applicant’s claimed invention, Applicant’s independent claim 52, as well as claims 53-55, which depend therefrom, are not anticipated by Murphy et al. and are thus allowable.

In addition to the foregoing, Applicants' independent claim 52 further recites "said internal electrostatic discharge protection diodes provide a source of direct current for said controller." The Examiner incorrectly stated that internal electrostatic discharge protection diodes providing a source of direct current for the controller were disclosed by Murphy et al. In rejecting Applicant's claim, the Examiner asserted that support for the Examiner's position could be found in Figs. 1-4, Col. 2, lines 39-68, and Col. 6, lines 1-20. Nowhere in the material cited by the Examiner can there be found anything which would even remotely appear to support such an assertion. In fact, contrary to the Examiner's position, within the very text cited by the Examiner at Col. 1, lines 44-47, and as shown in Figs. 1, 2, and 3, battery 2 is described and depicted as providing electrical power for the operation of microcomputer 1. The use of a battery in lieu of internal electrostatic discharge protection diodes to provide a source of direct current for the controller further teaches away from Applicants' claimed invention. As such, independent claim 52 as well as dependant claims 53-55 are allowable over Murphy et al.

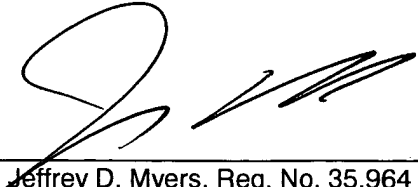
Finally, Applicants have realized that claim 41 was accidentally omitted when new claims 27-55 were presented in their last response. To ensure that no future confusion is created by this oversight, Applicants are thus listing claim 41 as a canceled claim in this response.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner, without introduction of new matter or raising new issues. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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